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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,070	06/25/2001	Greg Donnelly	P 053403 272571	8757

7590 02/08/2005

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EXAMINER	
WAHBA, ANDREW W	
ART UNIT	**PAPER NUMBER**
2661	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/891,070	DONNELLY, GREG	
	Examiner	Art Unit	
	Andrew W Wahba	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-23, 25-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (US Patent 6,501,739).

With regard to claims 1 and 31, Cohen discloses a telephone conferencing server 22 (receiving a call / initiating data communication) coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). Each conference participant indicates (forwarding group related) a current state (determining whether group processing) by providing to the conference server 22 a predefined DTMF tone via communicator 10 and/or sending (forwarding group related) a predefined control message from computer 16. Examples of current states include ONLINE, indicating that a participant is in the conference and SLEEP, indicating that participant elects not to participate (column 7, line 60 – column 8, line 4).

The selection of which audio signals are to be mixed at a particular mixer is performed in accordance (retrieving results) with control messages (column 7, lines 38-41).

With regard to claims 2, 3, 32 and 33, Cohen discloses a telephone conferencing server 22 (call processing engine) coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). In a public data network, such as Internet, it is inherent that data is transmitted as data packets (data packets). Each conference participant indicates a current state by providing to the conference server 22 a predefined DTMF tone via communicator 10 and/or sending a predefined control message (address information) from computer 16. Examples of current states include ONLINE, indicating that a participant is in the conference and SLEEP, indicating that participant elects not to participate (column 7, line 60 – column 8, line 4).

With regard to claims 4, 5, 34 and 35, Cohen discloses a telephone conferencing server 22 coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). The telephone conferencing server 22 would support a call between two (resolve group request to a single target recipient) or several (manage more than one target recipient) participants.

With regard to claims 6 and 36, examples of current states also include STANDBY (identifying ... as available targets), indicating that a participant is not currently participating, but willing to be online (column 7, line 60 – column 8, line 4). The selection of which audio signals are to be mixed at a particular mixer is performed in accordance (retrieving) with control messages (column 7, lines 38-41).

With regard to claim 7, control messages are received by network interface 28 (database) as illustrated by figure 2 (column 6, lines 27-29).

With regard to claim 8, Cohen discloses a telephone conferencing server 22 coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). The telephone conferencing server 22 would support a call (establish data communication) between two or several participants.

With regard to claim 10, Cohen discloses a telephone conferencing server 22 coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). The conferencing server 22 includes network interface 28 (call processing engine) for receiving control messages that control (executing) mixers 26 (group processor) (column 6, lines 27-29).

With regard to claim 11, the conferencing server 22 includes network interface 28 (call processing engine) for receiving control messages that control (responsive to) mixers 26 (group processor) (column 6, lines 27-29).

With regard to claim 12 and 13, Cohen discloses a telephone conferencing server 22 coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). In a public data network, such as Internet, it is inherent that data is transmitted as data packets (data packets). Each conference participant indicates a current state by providing to the conference server 22 a predefined DTMF tone via communicator 10 and/or sending a predefined control

message (identify one or more intended recipients / header information) from computer 16 (column 7, line 60 – column 8, line 4).

With regard to claims 14 and 15, Cohen discloses a telephone conferencing server 22 coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). The telephone conferencing server 22 would support a call (initiate a call) between two (resolve group request to a single target recipient) participants.

With regard to claims 16 and 17, each conference participant indicates a current state (determine the availability) by providing to the conference server 22 (operative initiate a call) a predefined DTMF tone via communicator 10 and/or sending a predefined control message from computer 16. Examples of current states include ONLINE, indicating that a participant is in the conference and SLEEP, indicating that participant elects not to participate (column 7, line 60 – column 8, line 4).

With regard to claim 18, Cohen discloses a telephone conferencing server 22 (call processing server) coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). The conferencing server 22 includes network interface 28 (call processing engine / contact server) for receiving control messages that control mixers 26 (grouping server) (column 6, lines 27-29).

With regard to claim 19, 22 and 23, each conference participant indicates a current state (availability of one or more intended recipients / determines the availability) by providing to the conference server 22 a predefined DTMF tone via communicator 10

and/or sending a predefined control message from computer 16. Examples of current states include ONLINE (initiates a call), indicating that a participant is in the conference and SLEEP, indicating that participant elects not to participate (column 7, line 60 – column 8, line 4).

With regard to claim 20 and 21, Cohen discloses a telephone conferencing server 22 coupled to PSTN 14 and public data network 20 (data communication), such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). The telephone conferencing server 22 would support a call between two (resolve group request to a single target recipient) participants.

With regard to claim 25, Cohen discloses a telephone conferencing server 22 (receive a call / initiate data communication) coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). In a public data network, such as Internet, it is inherent that data is transmitted as data packets (data packets). Each conference participant indicates (forward group related) a current state (determine whether group processing) by providing to the conference server 22 a predefined DTMF tone via communicator 10 and/or sending (forward group related) a predefined control message from computer 16. Examples of current states include ONLINE, indicating that a participant is in the conference and SLEEP, indicating that participant elects not to participate (column 7, line 60 – column 8, line 4). The selection of which audio signals are to be mixed at a particular mixer is performed in accordance (processing results) with control messages (column 7, lines 38-41).

With regard to claim 26, each conference participant indicates a current state by providing to the conference server 22 a predefined DTMF tone via communicator 10 and/or sending a predefined control message (address information) from computer 16. Examples of current states include ONLINE, indicating that a participant is in the conference and SLEEP, indicating that participant elects not to participate (column 7, line 60 – column 8, line 4).

With regard to claims 27 and 28, Cohen discloses a telephone conferencing server 22 coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). The telephone conferencing server 22 would support a call between two (resolve group request to a single target recipient) or several (manage a plurality of said one or more intended recipients) participants.

With regard to claim 29, examples of current states also include STANDBY (identifying ... as available targets), indicating that a participant is not currently participating, but willing to be online (column 7, line 60 – column 8, line 4). The selection of which audio signals are to be mixed at a particular mixer is performed in accordance (retrieving) with control messages (column 7, lines 38-41).

With regard to claim 30, Cohen discloses a telephone conferencing server 22 coupled to PSTN 14 and public data network 20, such as Internet, as illustrated by Figure 1 (column 5, lines 35-40 and 48-51). The telephone conferencing server 22 would support a call (establish data communication) between two or several participants.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (US Patent 6,501,739) in view of Holden (US Patent 6,771,639).

With regard to claims 9 and 24, Cohen does not teach that a call is transmitted in accordance with Session Initiation Protocol.

Holden discloses that various standards have been proposed for voice and multimedia communications over data networks (column 1, lines 35-36). One such standard is Session Initiation Protocol (Session Initiation Protocol) (column 1, lines 41-42). Holden discloses systems 14, 16, 18 and 20 that may communicate using Session Initiation Protocol (column 3, lines 60-62).

A person of ordinary skill in the art to which the invention pertains would have been motivated to employ Holden in Cohen to establish, maintain and terminate multimedia sessions over a data network (column 1, lines 42-44). At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Cohen and Holden (collectively "Cohen-Holden") to obtain the invention as specified in claims 9 and 24.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (571) 272-3081. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted,

Andrew Wahba
Patent Examiner
February 3, 2005

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600